

EXHIBIT 4

TODD KING, VOL I, 7-22-08

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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,))
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES))
FOR THE STATE OF OKLAHOMA,)

Plaintiff,)

vs.)

) 4:05-CV-00329-TCK-SAJ

TYSON FOODS, INC., et al,)

Defendants.)

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VOLUME I VIDEOTAPED DEPOSITION OF TODD KING,
produced as a witness on behalf of the Defendants in
the above styled and numbered cause, taken on the 23rd
day of July, 2008, in the City of Tulsa, County of
Tulsa, State of Oklahoma, before me, Marlene Percefull,
a Certified Shorthand Reporter, duly certified under
and by virtue of the laws of the State of Oklahoma.

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69

1 pastures of the highest order we've ever had. How in 10:54AM
2 the world do you gauge an event like that?

3 MR. BLAKEMORE: Object to the form.

4 **A** I mean, there are extreme events that obviously
5 may exceed whatever the gauge was calibrated to. I'm 10:54AM
6 not sure that the numbers I've utilized have been more
7 on the average daily flow basis. I'm not sure if those
8 exceedances, those high infrequent events, would impact
9 substantially the analysis if there are errors there.

10 **Q** In Paragraph 2.3, you -- 10:55AM

11 **A** On Page 6?

12 **Q** Yes, sir.

13 **A** Okay.

14 **Q** You appear to limit your analyzes to phosphorus
15 bacteria total nitrogen, is that true? 10:55AM

16 **A** For the purposes of trying to quantify the
17 different remedial measures, I tried to generalize to
18 these three forms to facilitate the discussions and
19 presentation.

20 **Q** There's no discussion in here of heavy metals? 10:56AM

21 **A** No, sir.

22 **Q** And why didn't you address the issue of heavy
23 metals?

24 **A** That wasn't identified as one of the injuries to
25 me at the get-go. 10:56AM

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70

1 **Q** Okay. And the person or people who would have 10:56AM
2 identified those injuries to you would include Roger
3 Olsen, correct?

4 **A** Yes, sir.

5 **Q** And who else? 10:56AM

6 **A** I'm not sure.

7 **Q** All right. None of those people said to you, hey,
8 Todd, we're having a heavy metal problem in the
9 Illinois River Valley, isn't that true?

10 **A** Not for the purposes of the scope of this 10:56AM
11 document, no.

12 **Q** Well, if there's not -- if there were a problem,
13 you would have addressed it in terms of the remediation
14 of that problem, isn't that true?

15 **A** Within the scope of the work, which was pretty 10:56AM
16 much the previous section.

17 **Q** And heavy metals were outside the scope of your
18 work?

19 **A** Yes, sir.

20 **Q** And they were outside of the scope of your work 10:57AM
21 because Roger Olsen and others told you that there's no
22 reason to consider heavy metals?

23 MR. BLAKEMORE: Object to the form.

24 **A** I don't know if I would go that far. They're
25 outside of the scope, yes. Why they're outside of the 10:57AM

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71

1 scope, I don't know why. 10:57AM

2 Q Arsenic is outside the scope?

3 A Yes, sir.

4 Q Now, in 2.3.2, you talk about bacteria and you
5 state that, "The relevant pathway for bacteria is the 10:57AM
6 precipitation-based transport of bacteria from land
7 when poultry waste has been applied to groundwater."

8 A Yes, sir.

9 Q What about surface water?

10 A Surface water in terms of? 10:58AM

11 Q Bacteria. Why didn't you mention surface water?

12 A Primarily because drinking water supplies that are
13 connected to surface water disinfect, so that pathway
14 is kind of addressed through that.

15 Q So you don't recognize the potential for human 10:58AM
16 health risks from the ingestion of surface water?

17 A That wasn't a focus of this report.

18 Q That was not a focus?

19 A No.

20 Q And it -- if it were a problem. You would have 10:59AM
21 focused on it, true?

22 A Well, again, cessation would address that within a
23 year or so, so --

24 Q Would you tell the court and the jury how the
25 chicken litter is typically applied to the land for 10:59AM

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TODD KING, VOL I, 7-22-08

81

1 Q So if it's not going to be effective, there's no 11:22AM
2 reason to discuss it further, correct?

3 A Yes. These would be screening criteria that we
4 would apply to eliminate technology.

5 Q Yes, sir. Because that would be a waste of money? 11:22AM

6 A Yes, sir.

7 Q And effort?

8 A Yes, sir.

9 Q Have you ever heard of a hormone called Estradiol?

10 MR. McDANIEL: Estradiol. 11:22AM

11 Q Estradiol?

12 A I've heard of it.

13 Q Huh?

14 A I've heard of it.

15 Q Have you heard of it in the context of this 11:22AM
16 lawsuit?

17 A Not that comes to mind, no. Perhaps as one of the
18 things that was investigated, but again --

19 Q But the --

20 A -- I vaguely recall. 11:22AM

21 Q The remediation of Estradiol is not -- you were
22 not tasked with discussing that issue, were you?

23 A No, sir.

24 Q It was not within the scope of your work?

25 A Correct. 11:23AM

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